

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 08 FEB 2005

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Applicant's or agent's file reference 9228SG53/JFC	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/SG2003/000233	International Filing Date (day/month/year) 25 September 2003	Priority Date (day/month/year) 11 October 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ G06F 17/00		
Applicant MATSUSHITA ELECTRICAL INDUSTRIAL CO., LTD. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 5 March 2004	Date of completion of the report 21 January 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer MATTHEW HOLLINGWORTH Telephone No. (02) 6283 2024

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/SG2003/000233**I. Basis of the report****1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)):
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion, the International Searching Authority found that there are two inventions:

1. Claims 1-69 and 71-83, directed to systems and methods for providing visual content for an audio stream. The selection of the visual content according to audio description data encoded in the stream is considered to be a first "special technical feature."
2. Claim 70, directed to a method of delivering karaoke text and timing information. The insertion of karaoke text and timing information into an audio stream is considered to be a second "special technical feature."

Although these groups of claims both feature the encoding of non-audio data into an audio stream, this is well known and cannot constitute a "special technical feature" uniting the claims. Since the claims share no other technical features, a "technical relationship" between the inventions, as defined in PCT rule 13.2, does not exist. Accordingly, the international application does not relate to one invention or to a single inventive concept.

Nonetheless, both inventions were subject of the International Search Report, and consequently this opinion reports on both invention.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 4-14, 19-21, 25, 34-43, 47-48, 52, 64, 71, 76, 78-82	YES
	Claims 1-3, 15-18, 22-24, 26-33, 44-46, 49-51, 53-63, 65-70, 72-75, 77, 83	NO
Inventive step (IS)	Claims 4-14, 25, 34-43, 52, 78-82	YES
	Claims 1-3, 15-24, 26-33, 44-51, 53-77, 83	NO
Industrial applicability (IA)	Claims 1-83	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

- D1: WO 2002/071021 A1 (FIRST INTERNATIONAL DIGITAL, INC.), 12 September 2002
- D2: WO 2001/061684 A1 (FIRST INTERNATIONAL DIGITAL, INC.), 23 August 2001
- D3: *MP3i Creator* website, as archived in July 2002:
 - <<http://web.archive.org/web/20020701012811/www.mp3icreator.com/creator/>>
 - <<http://web.archive.org/web/20020701013455/www.mp3icreator.com/creator/features/>>
 - <<http://web.archive.org/web/20020712141227/www.mp3icreator.com/creator/support/quickstart/>>
 - <<http://web.archive.org/web/20020712000759/www.mp3icreator.com/creator/support/manual/>>
 - <<http://web.archive.org/web/20020701014328/www.mp3icreator.com/creator/support/faq/>>

NOVELTY (N) claims 1-3, 15-18, 22-24, 26-33, 44-46, 49-51, 53-63, 65-70, 72-75, 77, 83

Claims 1-3, 15-18, 22-24, 26-33, 44-46, 49-51, 53-58, 59-63, 65-69, 72-75, 77 and 83: These claims lack novelty when compared to document D1:

Claim 70: This claim lacks novelty when compared to D2.

See also the indication contained in Box VI, "Certain documents cited."

INVENTIVE STEP (IS) claims 1-3, 15-24, 26-33, 44-51, 53-77, 83

Claims 1-3, 15-18, 22-24, 26-33, 44-46, 49-51, 53-63, 65-70, 72-75, 77 and 83: As above.

Claims: 19-21, 47-48, 64, 71 and 76: These claims are not seen to involve an inventive step over D1. While not disclosed in the citation, the features of these claims are generic or commonplace in the art.

Claim 70: This claim does not involve an inventive step in light of D1. While the citation does not disclose the exact features of this claim, it does describe an application to generating a karaoke visual display. Pursuant to this disclosure, the claimed invention would be readily conceived.

Claims 1-3, 15-24, 26-33, 44-51, 53-77 and 83: These claims lack inventive step in light of D3. This document, consisting of pages from a website describing *MP3i Creator* software, describes a commercial implementation of the technology described in D2 and in WO 2002/0103484 A2 (from Box VI). In light of this disclosure, I consider that a person skilled in the art would readily conceive and implement the claimed features while designing a system as described in the document.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/SG2003/000233

VI. Certain documents cited**1. Certain published documents (Rule 70.10)**

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
X, P WO 2002/0103484 A2	27 December 2002	18 June 2002	18 June 2001

This document discloses all the features of claims 1, 15, 32, 44, 59, 70, 72 and 75, at least.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 61 is unclear, because it defines a method yet is appended to a claim for a system. (For the purposes of examination, the claim is assumed to depend on claim 60, as was most likely intended.)

Claims 15 and 44 are not fully supported by the description. These claims do not define a method or system in which the visual content is correlated to the audio content in some manner. Reading the specification as a whole, this is clearly an essential aspect of the invention. As they stand, the claims merely define the combining of audio data and visual description data in the same stream.